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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/247,222	02/10/1999	DAVID A. SINCLAIR	DLT-003	7390
51414 7590 02/25/2008 GOODWIN PROCTER LLP PATENT ADMINISTRATOR EXCHANGE PLACE BOSTON, MA 02109-2881				
EXAMINER AKINTOLA, OLABODE				
ART UNIT 3691		PAPER NUMBER		
MAIL DATE 02/25/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/247,222

Applicant(s)

SINCLAIR, DAVID A.

Examiner

Olubode Akintola

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/04/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham (USPN 6014645) in view of Zandi (USPN 5966699).

Re claims 1 and 11: Cunningham teaches computer-driven information management system and corresponding method for selectively matching credit applicants with money lenders through a global communications network (Abstract), said system comprising: applicant data entry means for entering applicant data into the system, and defining an electronic applicant profile of a credit applicant seeking financing (col. 2, lines 57-59; Fig. 4 RN {70}); model data entry means for entering model data into the system, said model data being established by the lender and defining an electronic model profile representing characteristics of a desired applicant (col. 3, lines 33-40; Fig 3 RN {60}); distribution filter means electronically comparing said applicant profile with said model profile for filtering the of applicant data through the system to the lender, wherein: for those credit applicants matching the model profile, a representation of said applicant data is made available through the system to lender; and for those credit applicants not matching the model profile, no applicant data is made available through the system to the lender (col. 3, lines 42-45; Fig 4, RN {80, 82}).

Cunningham fails to teach that the representation comprises a subset of the applicant data omitting personal data. Zandi teaches this limitation at col. 1, lines 15-24 and col. 8, lines 41-44. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cunningham to include this step as taught by Zandi. One would have been motivated to do so in order to use preliminary financial information to determine borrower's eligibility for desired loan prior to formally receiving a fully completed application.

Re claims 2 and 12: Cunningham teaches the step wherein said applicant data entry means includes a computer, a keyboard for entering said applicant data into said computer, and global communication means for communicating said applicant data to the system (Fig. 1 RN {12}).

Re claims 3 and 13: Cunningham teaches the step wherein said model data entry means includes a computer, a keyboard for entering said model data into said computer, and global communication means for communicating said model data to the system (Fig. 1 RN {24-34}).

Re claims 4 and 14: Cunningham teaches including means for retrieving applicant credit information from a credit bureau and incorporating said credit information into said applicant profile (col. 4, lines 20-23).

Re claims 5, 6, 15 and 16: Cunningham teaches including term notification means for electronically notifying those credit applicants matching the model profile of financing terms set by the lender (Abstract)

Re claims 7, 8, 17 and 18: Cunningham teaches applicant profile distribution means for simultaneously distributing said applicant profile to a number of lenders having access to the system and lender selection means for restricting the distribution of said applicant profile to only those lenders selected by the credit applicant and having access to the system (col. 3, lines 42-45; Fig. 4 RN {80, 82}).

Re claims 4 and 14: Cunningham teaches applicant data storing means for electronically storing applicant data received by the lender through the system (col. 3, lines 29-31).

Re claims 4 and 14: Cunningham teaches financial product selection means for selecting a desired finance product from a group of financial products communicated to the system by the lenders (col. 2, lines 22-24).

Response to Arguments

Applicant's arguments filed 112/04/2007 have been fully considered but they are not persuasive.

Applicant argues that Zandi does not teach "a representation of application data through the system to lender, the representation comprising a subset of the applicant data omitting personal data". Examiner respectfully disagrees. Page 15, paragraph 2 of the specification of the instant application recites

"Referring to items 9, 9a, and 10, as the System compares and matches applicant profiles and model profiles of finance institutions, automated global network data transmission and formatting tools are used to electronically distribute the applicant profiles to the proper finance institutions. Upon receipt, the finance institution immediately sees at its workstation, a representation of each applicant profile having characteristics matching its model profile and the dealer's distribution pattern. The finance institution does not, however, see a *complete* applicant profile. Instead, only selected applicant data and credit bureau information is distributed to the finance institution for preliminary consideration.

Since certain personal information is omitted from this initial distribution, the finance institution has not legally received a "credit application." As a result, the System allows the Finance institution to further analyze the desirability of credit applicants and make preliminary determinations of creditworthiness prior to undertaking costly credit application processing" (emphasis added) .

It is clear from this paragraph that the certain applicant data and credit information are distributed to the financial institution. The certain personal data that is omitted as referred in the paragraph is not defined. Given the broadest reasonably interpretation of the claim limitation, the financial institution simply receives certain applicant data that does not constitute a complete credit application.

Zandi at col. 8, lines 41-44 teaches an alternative to providing a complete loan application to the financial institution. This alternative is a summary of the loan application. It is clear from Zandi that this summary does not constitute a complete loan application. It is inherent that certain applicant data would be omitted in the summary. Therefore, the claim limitation reads on the Zandi reference.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691